

They had them in their pockets when they went into court. Mr. Black announced that, as instructed by the petitioner, he wished to withdraw his contention, and to say that she was willing to accept the provision made for her in the will.

Mr. Aronson, of counsel for the other side, said: "We don't feel that we can legally object to this motion, but I deeply regret that it has not been permitted to go on, as we should like to bring out all the evidence, and prove the facts in this case and damnable conspiracy."

"I desire, in the light of what may happen in the next few hours, to exonerate from any guilty connection with the case Mr. Black, Mr. Frankenstein and Mr. Burke. The counsel for the other side, I desire further to be understood that this is not the end of this case. We assent to the withdrawal of the motion, but we shall proceed for the punishment of the conspirators."

Mr. Black, who was surprised, said that if there had been a conspiracy, he had no knowledge of it, and he was loath to believe that one had been detected. The court granted the withdrawal and asked the attorneys to appear at a later date. The court then asked the attorneys to appear at a later date. The court then asked the attorneys to appear at a later date.

The court read the complaints and asked the attorneys to appear at a later date. The court then asked the attorneys to appear at a later date. The court then asked the attorneys to appear at a later date.

Mr. Black asked the court to entertain a motion to reduce the bail. He said the prisoners were ready for a hearing at once. Dr. Hendrick was permitted to go out with a deputy sheriff to send a telegram for a bondsmen. When he returned, the court called the witnesses on whose testimony a prima facie case of conspiracy was made out to hold the prisoners.

The first was Peter McNulty of Pittsburgh, who said that he saw Stanton last Friday and Saturday at a conference of the persons interested in opposing Miss Biggar's claims. Roger McNulty, brother of Peter, was also present. Mr. O'Mara has done a lot of work in connection with the evidence pointing to a conspiracy. He represented the other side.

A certificate of marriage had been shown to Stanton, McNulty said, and Stanton had admitted that he made it out that day. Stanton asserted that Young had trapped him into doing it.

Mr. McNulty recounted a conversation which he had with Miss Biggar at the Victoria Hotel, Pittsburgh, in 1901. Bennett had been taken ill, and McNulty came there to see him. He said she was greatly worried and afraid the old man might die without making any provision for her.

When he had finished, she said she would take care of her, and she did not know what she would do, as she had no legitimate claim against the estate as a relation. This was three years after the marriage, which the attorney said had been consummated.

The attorney said that Bennett intended to provide liberally for her in his will and she seemed much relieved. Lawyer Aronson showed the witness the marriage certificate, which is claimed to be the original, and also a blank form which had been purchased in Rhode Street, New York. The blank certificate was printed later than the date of the alleged marriage, for in the year space it has the number "19" for the twentieth century.

Where these figures appeared on the Bennett-Biggar certificate the paper has been scrapped away, and the year 1898 written over it. McNulty said he had been put in evidence, and the witness was allowed to explain the significance of the alteration.

Mr. McNulty said that he and a number of the others interested went to the Bayonne sanitarium some weeks ago, at Miss Biggar's invitation, to consult with her about a settlement of the affairs of the estate. He said he had been told by McNulty that he didn't know that McNulty intended to bring a suit with him.

"Hendrick then made no claim of a ceremonial marriage," said McNulty. "He said he didn't know whether Miss Biggar would put in a claim as a common-law wife, or a big bill for services in nursing Bennett."

Returning again to the talk with Stanton, Mr. McNulty said that Stanton had said to Young: "Alex, you know you trapped me into it." Young said: "Yes, but I did it for you."

Alfred Watson, another lawyer, told of his visit to Bayonne on June 21, 1902, when Dr. Hendrick said to him that Miss Biggar had made a marriage with McNulty, and made no pretense that any marriage had taken place.

John F. Hawkins of Pittsburgh, who drew Mr. Bennett's will, said that Miss Biggar at a recent time had been introduced by her simply as Miss Biggar. He met her again at Farmington after Bennett's death, but before he had been read. Miss Biggar said she was to know what had been done for her, as she said that if she was not taken care of in the will she would make a claim as a common-law wife, or put in a big bill for services.

Knowing the contents of the will, Mr. Hawkins said he assured her that she had been provided for. While they were in conversation, Mr. Hendrick and Dr. Hendrick were talking to McNulty, and McNulty was talking to McNulty. McNulty was talking to McNulty.

"Then came the most important witness of the day, Joseph Tucker, clerk of the Board of Health of Hoboken. He had known Stanton five or six years, he said. Stanton appeared at his office one day to ask him if he couldn't swear that Anna Weber was dead. He refused to do it."

"Last Friday night I met Stanton in front of the city hall," Tucker said. "He told me he was in a lot of trouble, and asked me if I wouldn't help him out. He said that two years before he had performed a marriage between a man and a woman, and a woman named Biggar, and he thought he had forgotten to send in a record of it to the Board of Health. He wanted me to go to court and swear that Anna Weber was dead. I refused. He went away."

"On Saturday I met him with Young. He again said that he was in trouble, and Young said if I could do anything to help Stanton he would be glad to do it. Stanton wanted to know if I had a blank marriage certificate that didn't have '19' printed on it. I had some with me, and I got one and gave it to him. He and Young went out together."

"They went to an office across the street, where I followed them. After a while they came back with the blank filled out, showing the marriage of Bennett and Miss Biggar."

Stanton asked me if I'd go to court and testify that I found this certificate on me when I came into the office last May. He wanted me to enter it in the book. He turned back in the record and found a page where there was a blank line. He said: 'Here's room for it. Put it on this line.' I refused to do that, but filed the certificate, and reported the matter to the president of the Board of Health. Young told me to get a statement from Stanton for my own protection in the matter."

This statement Tucker produced, and it was offered in evidence. It read as follows: "I hereby affirm that I delivered to the clerk of the Board of Health a certificate of marriage of Henry M. Bennett and Laura Biggar, and personally saw it entered on the records in January, 1898."

Tucker said that Stanton came to him one day and told him that he had been trapped, and asked Tucker if he was called to court in the matter, to testify that he (Stanton) was drunk. The natural answer to the question, and Tucker said that Stanton was not drunk.

On this evidence Judge Hooley decided that a probable case of conspiracy had been made out. It was evidence of Miss Biggar's bad faith, he said, that she had insisted on the probate of the will at a time when, if it were true that she was about to become a mother, she knew that her condition invalidated the will, as no provision had been made for a posthumous child.

The new evidence confirmed the opinion that he formed, when the certificate of an alleged marriage was presented to him as Judge of the Guardian's court. He did not then know that the certificate was false. All the lawyers who had been engaged to make Miss Biggar's contest dropped out of the case when the warrants were served on Hendrick and Stanton. It was stated that no attempt would be made to serve the warrant on Miss Biggar until Saturday. Dr. Hendrick said she would not try to evade service, but he insisted that he did not know where she is.

Attorney Young, who secured the evidence of the alleged conspiracy, has been retained now by the heirs to fight Miss Biggar's claim to any part of the estate. If Miss Biggar, Dr. Hendrick and Stanton should be indicted by the Grand Jury it is unlikely that any action, touching the distribution of the estate, will be brought by the other heirs, pending their trial. Should Miss Biggar be convicted the lawyers think it would be a very wise matter to keep her from getting any portion of the estate.

Charges of perjury may be brought against Hendrick and Stanton on their evidence as to the marriage and the birth of a child. RAYMOND, N. J., Sept. 26.—Dr. Hendrick's sanitarium was deserted to-night. The iron screen door in front was closed, and the water taken back and forth. There was no response to repeated ringing of the door bell, but a lamp burned in a bed chamber upstairs. A cat ran about the house, and the personation of the police was called to the house, but they decided they had no right to investigate. As the house stands far back in the yard, well surrounded by trees, the police were unable to see whether Miss Biggar had taken her departure or not.

Dr. Connolly, who testified a week ago to the birth of a child to Miss Biggar, and also that he made the certificate of death two weeks later, declined to make a statement to-night or to admit that he had so testified at the hearing at Long Branch. He is a son of the late Recorder of Bayonne and is a young physician of good repute. At a late hour to-night the local police had not been advised of the warrant for Miss Biggar.

IT WASN'T "OLD BILL" BROCKWAY
Long Island City Tramp Mistaken for the Famous Counterfeiter.

Several times during the past nine months the Queens County Jail in Long Island City has sheltered an old man, tall and thin, who applied for lodging. The man, who is now in the jail, is the worst for drink and Warden De Bragga gave him food and kept him until he had sobered up.

The last time he was at the jail the man, who said his name was Henry King, declared that he was wanted to do something to "pay for his keep."

"You're too old," the warden told him. "When I was young," replied King, "I was pretty handy with a pen. If you could give attention I think I can fix them up."

The warden was amused, but remembered that he had a set of resolutions that he had made up, and he was glad to have a try at the job, and was sure that he would give satisfaction.

When he had finished every one who saw the parchment marvelled at the beauty of the work. A few days later King was writing some visiting cards for a jailer, when a former Long Island City detective, named Adams, happened to see him.

"I thought you were dead," he said to the old man.

"Not yet," replied King, "but if you know me you needn't advertise the news. I'm not dead, and I'm interested in the papers and they questioned the former detective as to the identity of the expert penman."

"It's nobody but Bill Brockway," he said. "He's a famous counterfeiter and an expert penman. He's the only man who could use a pen like this old boy."

Everybody in Long Island City became curious to see the man who had been in the jail, and Brockway had turned tramp and was being harbored in the county jail.

As Brockway was arrested in Hoboken in 1898, he was sentenced to the County Bank of Montreal, and was sentenced to ten years in the Trenton Prison, some persons wondered how he got out of jail so soon. The warden of the Trenton Prison says that "Old Bill" as Brockway was called, is still there.

ROW IN AN ACTRESS' FLAT.
Young Man Held for Breaking Her Furniture and Then Kicking Her.

Queen's Davis of the Hurtig & Seamon "The Major and the Judge" company; Ives Dougherty, who says she is rehearsing at Weber & Fields', and Frankie Loeb, a real Westchester chorus girl, and a man in the West Side police court yesterday to testify against Stanley C. Allen, living at the Hotel Girard in West Forty-fourth street. The Davis woman accuses him of assault.

According to the story the three women told Magistrate Barlow, Allen appeared at the Davis flat at 23 West Sixty-fifth street early on Wednesday morning, and he and the women proceeded to smash her furniture. He was searching, he says, for "a clock, several suits of underwear and pairs of socks, all belonging to me—on oath, which I have sworn to, and I was wearing."

Later Allen, according to the complaint, struck and kicked Miss Davis after she had fled from the flat. Miss Davis got a warrant for her arrest, which was served on the latter on Thursday at his hotel.

The other two women corroborated the complainant's story, and Magistrate Barlow held Allen for trial.

WIFE'S WORK FOR GUILTY MAN.
Gets Letters Asking Lenity and Judge Cawling Suspends Sentence.

Judge Cowling in General Sessions yesterday postponed until Oct. 6 the sentencing of Frank R. Remlinger, who, while clerk of the Hotel Earlington, stole \$200. He was arrested upon complaint of the proprietor, William P. Earl, and pleaded guilty.

Judge Cowling did not sentence him because of letters he received from Henry M. Flagler of the Standard Oil Company and other prominent men which bore witness to the young man's previous good character and asked the court to be lenient.

Mrs. Remlinger told Judge Cowling that she thought her husband could make restitution. It was Mrs. Remlinger who obtained the letters, and she said she had written to the Standard Oil Company and other prominent men which bore witness to the young man's previous good character and asked the court to be lenient.

She expects also to collect the money to repay Earl.

Brocklyn Man Drowned Off Staten Island.
The body of a man believed to be J. F. Doyle of 29 North Oxford street, Brooklyn, was found floating in the water of Midland Beach, Staten Island, yesterday, by a young man on the beach. The man was a black suit, white shirt, balligan undergar, black socks, laced shoes, linen collar and a watch chain. In his pockets were 50 cents and the bunch of keys with the tag attached to the ring, which is thought to establish his identity. The man was about 40 years old, 5 feet 2 inches in height and weighed about 140 pounds. Coroner Schaefer took charge of the body.

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HILL HERE GIVING A SHOW.

THE SAME OLD SHOW OF PARLOR POLITICAL MYSTERIES.

Don't Tell About 'Em Anybody—The Outcome Is That The State Leader Thinks He Can Get New York's Vote With Color and It May Be Color for Governor Yet.

Ex-Senator David Bennett Hill of Albany county, who is now the dictator of the Democracy of the State, brought his box of Parlor Political Tricks and Magazine of Mystery here yesterday, and gave several performances in the Hoffman House. At all of these performances there was a good attendance of those who do not desire to have the responsibility of the fall laid on their shoulders, and Mr. Hill was much gratified with the result of his trip. Mr. Hill will play Albany as a one-night stand this evening. Then he will pack up his apparatus and go to Saratoga, where he will give three night performances, with matinees thrown in.

Mr. Hill explained to his friends in the audience yesterday that he regarded mystery as the greatest thing that ever was invented. After his performance was over his friends said that he must be right in his estimate of the value of mystery, for they recalled that no one had ever found out whether Mr. Hill had voted for the Democratic National ticket in 1896 or not.

Mr. Hill was here not to tell what was going on. He saw several persons who helped him do so. But some of those who talked with him said that this mystery was all foolishness, and therefore they would give the best idea of the Master Magician's policy that they had been able to get.

It was said that the man who would be selected by the Democratic State Committee for temporary chairman of the Saratoga Convention next week is Martin W. Littleton of Brooklyn, one of the most famous orators on the other side of the East River. It was also asserted that the permanent chairman of the convention would be John G. Milburn of Buffalo, who was once a candidate for the nomination for Governor, but was discarded by Mr. Hill when it was learned that he was of British birth, or John B. Stanchfield of Elmira, who ran for Governor and also had made the certificate of death. Mr. Hill is inclined to fight six of Mr. Milburn because he is opposed by the Irish, but Mr. Milburn has a great many friends, and they may prevail on the Albany statesmen to accept him.

As to the Governorship nomination, the candidacy of Bird S. Coler was the one which seemed to be most favored yesterday. Mr. Hill thinks the entire vote of this city by making some resident of the territory below the Harlem his standard bearer, and Mr. Coler seemed to be the only man who was looking for the honor.

Mr. Coler is the favorite of the only men, all of whom said yesterday that they had large stocks of buttons on hand to present to the public just as soon as Mr. Coler should be elected Governor. Mr. Coler is not going to Saratoga, but he will be represented there, and he will accept any nomination that the magician may produce for him.

Magician Hill had interviews yesterday with statesmen of all kinds. Ex-Mayor James C. McGuire of Syracuse, who is now a candidate for Lieutenant Governor, he could get the nomination, was one of them. Joseph E. Garvin of Erie, ex-comptroller and now on his hands to say that he would run for comptroller. Mr. Garvin was once complimented by a Republican Mayor of Buffalo for his administration of the city's finances. Morris was willing to run for Lieutenant Governor. Ex-Assemblyman Palmer was ready to be on the list for Secretary of State. C. N. Bulger was mentioned for Attorney-General. John C. W. Fancher of Albany and several others appeared as candidates for this place. President Cantor of Manhattan was about the hotel, and his friends said that he would go to Saratoga, and he would apply that might be shaken into his lap.

Charles F. Murphy of the Tammany regime was one of the Magician's favorites. He was accompanied by two greenhorns, McCallan and ex-Senator O'Donnell, and had nothing to say about plugging the Tammany delegation, so far as he controls the Tammany delegation. The result is a severe blow to Nixon, and many believe it is the entering wedge to his deposition as head of the Cattaraugus county Republican organization. Fancher is the present Assembly nominee of Cattaraugus county and will therefore be obliged to withdraw from the ticket.

Kings County Delegation Complete.
The list of sixty-three delegates to the Democratic State Convention from Kings county has been completed by the election of James J. Keogh, who will represent the district of the Kings county delegation. Mr. Fancher was opposed by Fred R. Green and Arthur C. Wade of Chautauque; Green was the candidate of Speaker Nixon and Wade led the opposition. Failing to secure the nomination himself he supported the nomination of Fancher. The result is a severe blow to Nixon, and many believe it is the entering wedge to his deposition as head of the Cattaraugus county Republican organization. Fancher is the present Assembly nominee of Cattaraugus county and will therefore be obliged to withdraw from the ticket.

His Candidate for Senator is Defeated in Convention.
JAMESTOWN, N. Y., Sept. 26.—A. T. Fancher of Little Valley, Cattaraugus county, was nominated to-day by the Republicans for Senator of the Fifth district. Mr. Fancher was opposed by Fred R. Green and Arthur C. Wade of Chautauque; Green was the candidate of Speaker Nixon and Wade led the opposition. Failing to secure the nomination himself he supported the nomination of Fancher. The result is a severe blow to Nixon, and many believe it is the entering wedge to his deposition as head of the Cattaraugus county Republican organization. Fancher is the present Assembly nominee of Cattaraugus county and will therefore be obliged to withdraw from the ticket.

Wants to Run for Congress.
It was announced last evening that Henry W. Childers was a candidate for the Democratic nomination for Congress in the sixteenth district. Mr. Childers lives in the Kings county delegation, and he is a member of the Kings county delegation. He is a member of the Kings county delegation. He is a member of the Kings county delegation.

Nominated for Congress.
STRATFORD, Sept. 26.—Martin F. Dillon of Skaneateles was nominated for Congress to-day by the Democrats of the Onondaga-Madison district, in convention in this city.

Job Hedges Asked to Nominate Steckler.
It was announced last evening that Job E. Hedges, who succeeded Gov. Odell's nomination at the Saratoga Convention, had been asked to make the speech putting Justice Alfred Steckler of the Supreme Court in nomination at the Republican County Convention on Tuesday evening.

Nominated for State Senate.
Thirty-third District—Lloyd Thayer of Pittsford, Republican, was nominated for the Fifteenth District—A. T. Fancher of Cattaraugus county Republican.

MRS. BERKMANS ILL NOW.
Has Typhoid Fever—Husband Recently Died Abroad From It.

Mrs. Berkman, whose husband, Gustav B. Berkman, a partner of Tiffany, the jeweler, died in London on July 8 from typhoid fever, is ill at her home, 43 West Seventy-second street, with the same disease. Mrs. Berkman returned from Europe on Wednesday on the steamship Majestic. She brought her husband's body back on the same boat.

On the voyage, over Mrs. Berkman was told that her husband was ill. She was summoned, Dr. Charles C. Barrows, who told her that she had typhoid fever. She was immediately taken to her home. Mrs. Berkman is now in a critical condition. She is now in a critical condition. She is now in a critical condition.

Wants to Divorce Indian Wife Who Won't Cut Wood.
KINGFISHER, Oklahoma, Sept. 26.—John Dobrow, a Cheyenne Indian, has filed suit in the District Court against his wife, Mary Kill-fisher-Head, asking for a divorce on the grounds of neglect of duty, declaring that she refused to cut wood, gather corn or even cook his meals.

Divorce for Mrs. Alice DeHazen.
ALBANY, Sept. 26.—The New York county Supreme Court to-day granted a divorce to Mrs. Alice DeHazen, wife of Benjamin F. DeHazen, a New York artist. The alleged cruel treatment.

Murphy and it has steadily refused to call a convention for the Second district, which is conceded to Conway. The committee has no more right to call the convention, and if it fails to do so by that time, Mr. Conway will mandamus it to compel it to issue the call. The committee has no more right to call the convention, and if it fails to do so by that time, Mr. Conway will mandamus it to compel it to issue the call. The committee has no more right to call the convention, and if it fails to do so by that time, Mr. Conway will mandamus it to compel it to issue the call.

OPPOSITION TO DAVIES.
Jefferson County Republicans Preparing to Put Up Another Candidate.

WATERTOWN, N. Y., Sept. 26.—The nomination of Attorney-General John C. Davies for Supreme Court Justice in the Fifth Judicial district at Syracuse yesterday was not met with the approval of Jefferson county Republicans, and this afternoon petitions were being circulated in this city asking that the name of Watson M. Rogers of Watertown be placed on the ticket as an independent Republican candidate. The required 1,000 names will quickly be obtained in Jefferson county. The Democratic Judicial Convention, which was to have been held in Syracuse to-morrow, has been postponed for a week to await the action of the independent Republicans. It is understood that the convention when it meets will endorse Mr. Rogers.

OWEN, N. Y., Sept. 26.—The alleged interference of President Roosevelt, which brought about the nomination of Attorney-General Davies of Camden for Supreme Court Justice in this district, has caused dissatisfaction among the Republicans of the district. At a conference of prominent Republicans held to-night it was said that if the Democrats named William Kernan of Ulster, Mr. Davies would not receive the full Republican vote.

WILL NOT SUPPORT CUMMINGS.
Troup Attacks Him and Platform Adopted by Connecticut Democrats.

NEW HAVEN, Conn., Sept. 26.—Alexander Troup, the Bryan leader in Connecticut, announced to-night in his newspaper, the New Haven Union, that he would not support Mayor Homer S. Cummings of Stamford, who was yesterday nominated by the Democratic State Convention for Representative at Large.

In a statement to-night Mr. Troup makes an attack on the State convention for its ambiguity in the platform where it reads that the Democrats of Connecticut pledge course in going to support the national Democracy. He says that it is a dodger's platform and was framed to deceive the voters.

A call was sent out to-day to the provision committee of the Bryan Democracy of Connecticut for a meeting in this city at once to decide upon what should be done by the Bryan supporters in relation to the platform of the plan for the Kansas City platform yesterday by the State convention.

The Bryan men will nominate a Representative at Large.

COL. KLINE IS NOMINATED.
BROOKLYN REPUBLICANS WANT HIM FOR THEIR NEXT SHERIFF.

Lieut.-Gov. Woodruff Addresses the Convention and Says the Leaders of the Organization Are United and Harmonious—Kline's Militia Record.

Col. Adolph Loges Kline of the Fourteenth Regiment was unanimously nominated for Sheriff of Kings county at the Republican County Convention held in the Criterion Theatre, Brooklyn, last night.

George F. Elliott presided. The Saratoga platform and nominations were endorsed. Dr. O. F. Houghton of the Tenth Assembly district placed Col. Kline in nomination. He said he had been connected with the National Guard of the State for twenty-six years and had risen from private to Colonel of the Fourteenth Regiment, and had gone to the front with his company during the Spanish-American War.

James H. Hinch, in seconding the nomination, said: "I have known Col. Kline for many years, and can say that if elected he will make as good a Sheriff as Kings county ever had."

"Any better than Guden?" said some one in the gallery.

"There will be no shadow of scandal connected with the office of Sheriff under Col. Kline." [Applause.]

James H. Hinch of Flatbush was placed in nomination, but his name was withdrawn five minutes later, and Col. Kline's nomination was made by acclamation.

Lieut.-Gov. Timothy L. Woodruff was then called upon for a speech. In part he said:

"For your very kind reception, I thank you. Well, we are back from Saratoga. We did not go there with any expectation of receiving representation, but we received the consideration to which we believed we were entitled."

Col. Kline is 45 years old and is a manufacturer. He has been connected with the National Guard since May 24, 1876. He succeeded Col. Bertram T. Clayton as commander of the Fourteenth Regiment two years ago. He is president of the National Guard Association, senior vice commander of the Spanish War Veterans of the State of New York, regent of Fort Greene Council, Royal Arcanum, and a member of the Kings County Royal Arcanum Club.

Col. Kline is a member of the Kings county Republican party. He was elected to the Kings county Republican party. He was elected to the Kings county Republican party.

Col. Kline then made a short address thanking the convention for nominating him.

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